

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

ADRIAN SCHOOLCRAFT,

Plaintiff,

- against -

10CV6005 (RWS)

**DECLARATION OF  
MATTHEW J. KOSTER**

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOUGH, Tax Id. 894025, Individually and in his Official Capacity, SERGEANT FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCHART, Tax Id. 915354, Individually and in his Official Capacity, LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES, Shield No. 3004, Individually and in his Official Capacity and CAPTAIN TIMOTHY TRAINER Tax Id. 899922, Individually and in Their Official Capacity and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "NYPD defendants"), JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in her Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN DOE" # 1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.

X

CALLAN, KOSTER,  
BRADY & BRENNAN, LLP  
COUNSELORS AND  
ATTORNEYS AT LAW  
One Whitehall Street  
New York, New York 10004  
212-248-8800

MATTHEW J. KOSTER, ESQ., pursuant to 28 USC § 1746, declares under penalty of perjury that the following is true, based upon his personal knowledge and review of the file in this action:

1.I am associated with the law firm of Callan, Koster, Brady, Brennan & Nagler, LLP, attorneys for defendant DR. LILIAN ALDANA-BERNIER, in the above-entitled action. I am fully familiar with the facts and circumstances of this case based on a review of the file materials maintained in this office.

2.This declaration is submitted in further support of the motion of defendant DR. LILIAN ALDANA-BERNIER's (hereinafter Aldana-Bernier) for summary judgment to dismiss plaintiff's claims for relief under 42. U.S.C. §1983, to dismiss his claim for intentional infliction of emotional distress under New York State law, to remand the surviving state law claims to state court, to dismiss plaintiff's claim for declaratory judgment and for such other and further relief as this Court may deem just and proper.

3.Attached as Exhibit "A" is a true and accurate copy of defendant Dr. Lillian Aldana-Bernier's Memo of Law in Opposition to plaintiff's Motion for Summary Judgment dated February 11, 2015.

4.Attached as Exhibit "B" is a true and accurate copy Dr. Lillian Aldana-Bernier's 56.1 Statement in Opposition to plaintiff's Motion for Summary Judgment dated February 11, 2015.

5.Attached as Exhibit "C" is a true and accurate copy of defendant Dr. Lillian Aldana-Bernier's Deposition Transcript dated February 11, 2014.

WHEREFORE, it is respectfully requested that the instant Motion be granted in its entirety.

Dated: New York, New York  
March 6, 2015



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